

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON TEXAS

United States Courts
Southern District of Texas
FILED

JUN 2 2011

Clerk of Court

UNITED STATES OF AMERICA §
 §
v. § CRIMINAL NO. 4:07-cr-00263
 §
WARREN TODD HOFFNER §

AGREEMENT FOR PRETRIAL DIVERSION

It appearing that you are reported to have committed an offense against the United States as set forth in the Second Superseding Indictment in that it is alleged that you aided and abetted the commission of mail fraud in receiving and disbursing fraudulently obtained settlement proceeds in the amount of \$417,500 from The Hartford Financial Services Group, Inc. on or about February 26, 2003.

Upon accepting responsibility for your behavior and by your signature on this Agreement, it appearing after investigation of the offense, and your background, that the interest of the United States and your own interest and the interest of justice will be served by the following procedure, therefore, on the authority of the Attorney General of the United States, by José Angel Moreno, United States Attorney for the Southern District of Texas, prosecution in this District for this offense as well as the offenses set out in the Second Superseding Indictment shall be deferred for the period of twelve months from this date, provided you abide by the following conditions and the requirements set out below.

Should you violate the conditions of this Agreement, the United States Attorney may revoke or modify any condition of this pretrial diversion program or change the period of supervision, which shall in no case exceed twelve months. The United States Attorney may release you from supervision at any time. The United States Attorney may at any time within the period of your supervision initiate prosecution for this offense as well as the other offenses set out in the Second Superseding Indictment should you violate the conditions of this

Agreement. In that case, he will furnish you with notice specifying the conditions of the Agreement which you have violated.

After successfully completing your diversion program and fulfilling all the terms and conditions of the Agreement, no prosecution for the offense set out on page 1 of this Agreement as well as the other offenses set out in the Second Superseding Indictment will be instituted in this district and the charges against you, if any, will be dismissed.

Neither this Agreement or any other document filed with the United States Attorney as a result of your participation in Pretrial Diversion Program will be used against you, except for impeachment purposes, in connection with any prosecution of the above described offense and charges.

General Terms of Pretrial Diversion

1. You will not violate any Federal, State or local law. You shall immediately contact your pretrial diversion supervisor if arrested and/or questioned by any law enforcement officer.
2. You shall report to your pretrial diversion supervisor as directed and keep him/her informed of your whereabouts.
3. You shall follow the program and such special conditions as may be described below.

Special Conditions

1. You will agree to forfeit to the United States the amount of \$2,485,000 and agree to deliver \$2,485,000 to the United States, via a certified check made payable to U.S. Department of the Treasury, by June 3, 2011. You stipulate that the tendered funds are subject to forfeiture under Title 18, United States Code, Section 981(a)(1)(C), and agree to forfeit the funds to the United States. You agree to waive all right, title, and interest in the above funds,

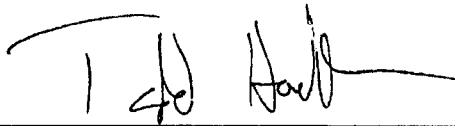
including any notice requirements, or limitation periods, established by law or the Constitution. You agree that you will not contest the administrative forfeiture of the above funds in any manner, either directly or in a collateral proceeding, and further agrees to cooperate fully with the Internal Revenue Service in the administrative forfeiture. Finally, you stipulate that no third parties have an interest in the funds, and agree that you will assist the United States in defending against any third party claims or petitions.

2. You will agree that all conditions of release remain the same.
3. You agree to a voluntary suspension of your Texas Bar License Number 09772750 for a period of two years.

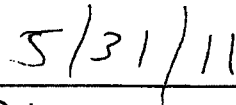
I assert and certify that I am aware of the fact of that the Sixth Amendment to the Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial. I am also aware that Rule 48(b) of the Federal Rules of Criminal Procedure provides that the Court may dismiss an indictment, information or complaint for unnecessary delay in presenting a charge to the Grand Jury, filing an information, or in bringing a defendant to trial. I hereby request the United States Attorney for the Southern District of Texas to defer such prosecution. I agree and consent that any delay from the date of this Agreement to the date of the initiation of prosecution, as provided for in the terms of expressed herein, shall be deemed a necessary delay at my request, and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal Procedure and the Sixth Amendment to the Constitution of the United States to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of 12 months equal to period of this agreement.

I hereby state that the above has been read and explained to me. I


understand the conditions of my Pretrial Diversion Program and agree that I will comply with them.



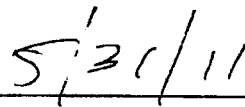
Warren Todd Hoeffner



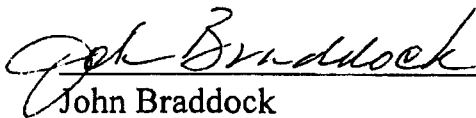
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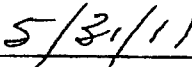
Chris Flood
Attorney for Warren Todd Hoeffner



Date



John Braddock
Assistant United States Attorney



Date